



OVERALL CLOSURE PROCESS

2.1 - PROCEDURES

The following specific steps describe the complete closure process that a permit writer (and for some steps the T&S facility) must follow from the receipt of the closure plan by the Department to final approval by the Department of closure implementation. These steps are based on the situation where a facility has decided to initiate closure of its hazardous waste treatment and storage regulated units. In the case where a permit writer is reviewing a closure plan that is part of a Part B application, then only steps 3 through 5 of this chapter are applicable since actual closure of their units will not take place until a future unknown date.

Step 1 - Closure Plan Submittal

If the closure plan is a section of a Part B permit application then no submittal is required.

If the closure plan is a result of an enforcement order then no submittal is required.

If the owner or operator of a treatment and storage facility decides to cease operating its units under interim status, then they must submit a closure plan at least 180 days prior to the date the owner or operator expects to begin final closure. Final closure is defined as the planned final receipt of hazardous wastes into the treatment and storage units. There is no standard form that the owner or operator must use for this submittal.

If the facility is a permitted facility and wants to implement their already approved closure plan or an interim status facility with an approved closure plan (but there are not too many of these), then they must notify the Department 45 days prior to beginning final closure. The Department may require a longer notice period of up to 180 days for any facility or unit by giving written notice of the longer period if the Department determines that additional time would be required to renew and make necessary amendments to the closure plan prior to closure (22 CCR 66264.112(d)). However, the Department does not need to review or approve the plan since it was reviewed during the permit issuance process, unless significant changes have taken place since the prior review. The facility just implements the plan and the Department witnesses implementation and reviews/approves their closure certification.

If an interim status facility only sent in a letter stating that it is their intention to revert to generator status but did not include a closure plan, then the permit writer must write a call-in letter requiring the facility to submit a closure plan. See Appendix B for a sample call-in letter.

Actions by Permit Writer

* Send acknowledgement letter to the facility that their closure plan was received and advise them when the Department will begin review. See Appendix B for a sample acknowledgement letter.

* The permit writer should check the central files to make sure the Department has a copy of the approved closure plan.

* Consult with Public Participation Unit, which will need lead time to begin developing a mailing list and to determine whether a community assessment or public participation plan is required for the project. Obtain the names and addresses of contiguous property owners and occupants for inclusion on the mailing list.

Step 1A - Modification of an Approved Closure Plan

Another situation by which a closure plan might be submitted to the Department is if a permitted facility decides to make a major (Class 2 or 3) modification to their approved

closure plan. The Department's approval is required in this situation. Either the entire closure plan might be submitted or just certain sections. The permit writer should consult CCR, section 66270.73, Appendix I to determine whether it is a Class 1, 2 or 3 modification.

Actions by Permit Writer

- * Send acknowledgement letter to the facility advising them that their modification request was received and state when the Department will begin review
- * If the facility submits a minor (Class 1) closure plan modification the Department must raise any objections within 30 days in writing otherwise the facility can proceed. This applies to class 1 modifications listed in CCR, section 66270.73, Appendix I. If the Class 1 modification has an asterix, then the Department's written approval is required before the modification can go into effect.
- * The permit writer must send the facility a copy of the mailing list maintained by the Department for use in their public notification process. This is required for Class 1, 2 or 3 modifications.
- * Consult with Public Participation Unit about updating the facility mailing list.

Step 2 - Closure Plan Assigned to Permit Writer/Pre-Planning of Technical Review

Upon receipt of the closure plan, the regional permitting branch chief and senior decide how the closure plan fits into their annual workplan and depending on workload/staff a supervisor assigns review of it to a permit writer. At that time the permit writer should be told when to start the review and what the expected target completion date is.

Action by Permit Writer

- * Review the Department's facility files for background information.
- * It is recommended that the permit writer visit the facility to:
 1. Gain a better understanding of the facility's general operations and specifically the units to be closed.
 2. Look for obvious indicators that spillage has occurred due to equipment failure or poor housekeeping.
 3. Inform the facility as to what is involved in the closure process.
 4. The permit writer is reminded to prepare a Hazard Appraisal and Recognition Plan (HARP) form prior to the visit.
 5. The permit writer should take this opportunity to observe the area surrounding the facility for local land use, and incorporate that information into the CEQA and public participation planning processes. (See Site Visit Checklist in Appendix B).
- * If during the course of the visit the permit writer observes noticeable releases or suspects there may have been releases of hazardous wastes to soil areas under or surrounding the regulated units, the permit writer can require the facility to do investigatory soil sampling before starting review (see Chapter 3.8 for specific guidance on investigatory soil sampling).

* Send CEQA environmental checklist form to the facility to complete.

Step 3 - Closure Plan Technical Review

The closure plan is reviewed for technical adequacy by the permit writer. Either the plan is approved "as-is" or a notice of deficiencies (NOD) letter is sent to the owner or operator. See Appendix B for a sample NOD transmittal letter.

Action by Permit Writer

Chapter 3 of these instructions provide a detailed breakdown of what should be included in a closure plan. If the closure plan is approved "as-is", then the permit writer should go to Step 6, otherwise an NOD must be prepared. After the NOD is sent out, it is suggested that the permit writer use this time to prepare the CEQA initial study and draft versions of public participation outputs (e.g., public notice, mailing list).

Step 4 - Revised Closure Plan Submitted

The owner or operator submits a revised closure plan in accordance with the NOD requirements.

Action by Permit Writer

None - proceed to step 5

Step 5 - Revised Closure Plan Technical Review

The permit writer reviews the revised closure plan and approves it as-is or writes a "modified" closure plan for the owner or operator to follow.

Action by Permit Writer

The closure plan is either approved "as-is" or the permit writer must modify the plan to conform to the Department's requirements. The permit writer must document his/her modification by adding an addendum to the closure plan or by showing additions in bold print and deletions by cross-hatching over deleted text. At this point the closure plan is considered a draft closure plan ready for public input. Then the permit writer proceeds to Step 6.

Step 6 - Draft Closure Plan/CEQA Determination

The draft closure plan and the CEQA determination are public noticed in local newspaper requesting public input during a 30 day comment period. Prepare the fact sheet and public notice. In addition, the public notice and fact sheet are mailed to all on the facility and "Mandatory" mailing list. Establish information repository.

Action by Permit Writer

Chapter 4 of these instructions provide guidance on what is included in this step.

Step 7 - Response to Comments on Draft Closure Plan

The permit writer prepares a response to all comments received during the public comment period. the regional permitting branch chief reviews and approves the final response summary. Modify the closure plan based on the comments received if the Department concurs with the comment(s). Mail the response to comments, with the notice of decision, to all commentators.

Action by Permit Writer

Refer to the Permit Writers Instructions-Treatment and Storage Facilities on how to prepare a response to comments document.

Step 8 - Final Closure Plan Approval and CEQA Final Determination

The permit writer writes a closure plan approval letter (signed by the regional permitting branch chief) to the owner or operator. See Appendix B for a sample approval letter. All commenters receive a copy of the approval letter plus the response to comments.

Action by Permit Writer

Refer to Chapter 4 of these instructions for guidance.

Step 9 - Closure Plan Implementation

The facility notifies the Department that they plan to start implementation of the closure plan. The Department should witness major activities such as soil sampling/wipe sampling.

Action by Permit Writer

Refer to Chapter 5 of these instructions for guidance. It is advisable that the permit writer spend some time in field to oversee closure when the closure plan is being implemented.

Step 10 - Closure Certification Submittal

The facility completes closure implementation, prepares a closure certification letter and report and submits it to the Department for approval.

Action by Permit Writer

None - go to Step 11

Step 11 - Closure Certification Approval

The permit writer reviews the closure certification data for technical adequacy and approves or writes a notice of deficiency letter. If acceptable, the Department writes an approval letter.

Action by Permit Writer

Refer to Chapter 6 of these instructions for guidance.

WP File Name: CH0201_C.MAN

List of Examples:

List of Attachments:

List of References:

CCR, section 66270.73, Appendix I to determine whether it is a Class 1, 2 or 3 modification

List of Appendices:

Appendix B - Sample Call-In Letter

Appendix B - Sample Acknowledgement Letter

Appendix B - Sample NOD Transmittal Letter

Appendix B - Sample Approval Letter